

SENATE BILL 2744
By Trail

AN ACT to amend Tennessee Code Annotated, Section 37-2-415, relative to certain criminal history record checks and fingerprint checks requested by the department of children's services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-2-415, is amended by deleting the semicolon ";" at the end of subsection (a)(8) and substituting instead a period "."; and by designating the existing language of subsection (a)(8) as (a)(8)(A) and by adding the following new subparts:

(B) During an emergency situation when a child must be placed in home-care due to the absence of parents or custodians, the department of children's services may request that a criminal justice agency perform a federal name-based criminal history record check of each adult residing in the home. The results of such check shall be provided to the department which shall provide a complete set of each adult resident's fingerprints to the Tennessee bureau of investigation within ten (10) calendar days from the date the name search was conducted. The Tennessee bureau of investigation shall either positively identify the fingerprint subject or forward the fingerprints to the FBI within fifteen (15) calendar days from the date the name search was conducted. The child shall be removed from the home immediately if any adult resident fails to provide fingerprints or written permission to perform a federal criminal history check when requested.

(C) When placement of a child in a home is denied as a result of a name-based criminal history record check of a resident and the resident contests that denial, each such resident shall, within five (5) business days, submit to the Tennessee bureau of

investigation a complete set of resident's fingerprints to the Tennessee criminal history record repository for submission to the federal bureau of investigation.

(D) The Tennessee bureau of investigation and the federal bureau of investigation may each charge a reasonable fee for processing a fingerprint-based criminal history record check. The fee or fees shall be borne by the proposed foster parent or parents.

(E) As used in this section, "emergency placement" refers to those limited instances when the department of children's services is placing a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caregiver;

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.